

Ralph Kermit Winterrowd 2nd
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The United States of America [99687]
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SEP 17 2007
CLERK, U.S. DISTRICT COURT
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The United States of America

The United States

District of Alaska

District Court of the United States

Ralph Kermit Winterrowd 2nd

Plaintiff,

versus.

BRAD L. NELSON *et seq.*

Defendants

Opposition to Motion to Strike Pleading

Comes now, Ralph Kermit Winterrowd 2nd (“Winterrowd”) with Opposition to Motion to Strike Pleading (“Opposition”) of “**Action on Official Bond under Alaska Statute 39.15 *et seq.*, Alaska Statute 22.20.130 including Alaska Statutes 22.20 *et seq.* of Walt Monegan** (“Official Bond”).

The Alaska Statute on the Official Bond required by the Public Safety Commissioner is “The commissioner is responsible on official bond for the acts of all persons designated under this subsection.” (©AS 22.20.130) *Emphasis added*; and, in ©AS 22.20.120, to wit:

The authority necessary for the lawful performance of the duties of execution of service of process, seizure and detention of property, the sale of property forfeited or levied upon, and arrest of persons, in connection with **civil matters**, is vested in the commissioner. *[Emphasis added]*

The parties that the Official Bond covers under the “acts of all persons” *supra*. ©AS 22.20.130 are “members of the division of state troopers” at ©AS 22.20.130.

The Alaska State Troopers, being Brad Nelson and John Cyr in particular did effect a “seizure and detention of property” under force of arms in a civil issue, being my private property of a blue 1994 pickup, towing and removing same from my possession and use against my will and direction, and left my wife and I without any means to travel.

This part of the Alaska Statutes is right on point as to “acts of all persons” including but not limited Brad Nelson and John Cyr.

As to the Official Bond under ©AS 39.15 *et seq.*, including ©AS 39.15.030 “may bring suit on the bond in the person’s name.” As only the Public Safety Commission is the person responsible for the unlawful or illegal actions of the “acts of all persons” which includes the Alaska State Troopers, a suit against any of the Alaska State Troopers invokes the Public Safety Commissioner to post said Bond and establish that same does in fact exist.

In *Bencie v. Williams*, 86 N.E.2d 258, 418-419 (Appel. Ct. Ill. 1949) “The official bond is required as indemnity *419 against the use of an official position for wrongful acts done under color of office. *Greenberg v. People*, 225 Ill. 174, 80 N.E. 100, 8 L.R.A.,N.S., 1223, 116 Am.St.Rep. 127; *Campbell v. People*, 154 Ill. 595, 39 N.E. 578.”

In *Holland v. American Sur. Co. of New York*, 6 So.2d 280, 289 (Sup. Ct Fl. 1942) [B]ond or bonds of a public official should be construed to accomplish what the law requires of it.”

All of the statutory requirements by the Legislature of the State of Alaska mandate an "Official Bond" and all of the Alaska State Troopers under the Office of the Public Safety Commissions are included in "acts of all persons", i.e. the Alaska State Troopers.

I have an Action in the District Court of the United States for the actions of Alaska State Troopers for excessive force and beyond the scope of their purported Official Duties, which is the exact reason for an Official Bond.

Therefore, the Opposition by Moore should be denied and the Public Safety Commissioner must produce same into this court as I have attached the Official Bond for excessive force and Alaska State Troopers exceeding their perceived duties under the statutory law of Alaska.

And further, I have as a Offer of Proof attached the original Registered Delivery Restricted Delivery Signature Validation of Number **RA 393459599** US, being **Attachment 1** with the signature of Walt Monegan on September 10, 2007, Public Safety Commissioner of Alaska in charge of the Alaska State Troopers.

My Hand,

A handwritten signature in black ink that reads "Ralph Kermit Winterrowd 2nd". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

STATE OF ALASKA)
) ss.
The United States of America)

Verified Affidavit of Ralph Kermit Winterrowd 2nd

I, Ralph Kermit Winterrowd 2nd, do hereby swear (or affirm) that the preceding facts and the following facts are true and correct under the penalties of perjury.

1. My true name, being composed of proper names/proper names is "Ralph Kermit Winterrowd 2nd.
2. I am of the age of majority and competent to testify to the facts contained herein.
3. I did personally use the United States Postal Service to give Notice to Walt Monegan of the requirement of the Official Bond and to produce same. I have attached as an Offer of Proof that Walt Monegan did personal receive the Notice to produce the Official by **Attachment 1**, under the number of **RA 393459599 signing his personal signature on September 10, 2007.**
4. I have an action against Alaska State Troopers that are to be covered by said Official Bond in Alaska Statutes 39.15 *et. seq.* and Alaska Statutes 22.20 *et seq.*, remembering that I have found no other Alaska Statutes for the Commissioner of Public Safety powers and duties over the Alaska State Troopers.
5. I did have my personal private property removed from my possession, being my 1994 pickup being seized by Brad Nelson and John Cyr and other Alaska State Troopers under my direct protest under force of arms.
6. Alaska State Troopers Brad Nelson and John Cyr with others in attendance were always the *first aggressor* when I taken down and thrust upon the hood of the trooper car of Alaska State Trooper Brad Nelson.
7. The pain that I experienced was so severe that I was just on the verge of passing out and when finally released by Troopers Brad Nelson and John Cyr, I fell to the ground and could not stand.
8. Articles were removed from my pockets and shirt without my permission when I was being abused by Troopers Brad Nelson and John Cyr on the hood of Nelson's car.

9. I have Noticed as per the Alaska Statute for the Public Safety Commissioner to post the Official Bond and given him Notice of the statutory loss of his Office if not so produced and this is evidence by his personal signature in **Attachment 1**.

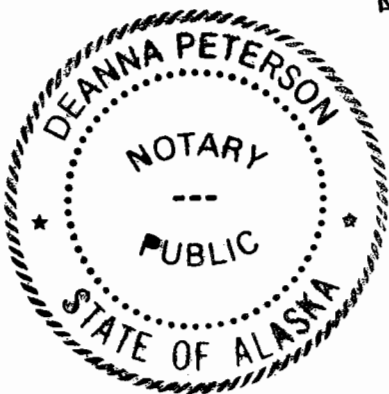
My Hand,

Ralph Kermit Winterrowd 2nd

Sworn and subscribed before me a Public Notary in and for the State of Alaska.

Date Sept 17, 2007 My Commission expires on 10-8-07

Deanna Peterson
Signature of Public Notary



Certification:

I, hereby certify that this document was mailed first class via USPS or delivered personally to the following party, to wit:

Stephanie Galbraith Moore
Assistant Attorney General
Office of the Attorney General
1031 W. 4th Ave. , Suite 200
Anchorage, Alaska 99501
907-269-5190 phone
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Date: September 17, 2007
/s/ Ralph Kermit Winterrowd 2nd